



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,499	12/14/2000	Steve Nixon	3650-006US	5769

28470 7590 05/22/2003

G. RONALD BELL & ASSOCIATES  
P O BOX 2450  
POSTAL STATION D  
OTTAWA, ON K1P 5W6  
CANADA

EXAMINER

PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
----------	--------------

2173

2

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/735,499

Applicant(s)

NIXON ET AL.

Examiner

Namitha Pillai

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7 and 12-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U. S. Patent No. 5,943,055 (Sylvan).

Referring to claim 1, Sylvan discloses a messaging system having the means for message notification using a computer system (column 1, lines 46-50 and column 3, lines 52-56). Sylvan discloses that this invention is based on a computer system, which would inherently have memory and wherein any information concerning this information would be stored, this including the message notification status information. Sylvan discloses a user interface for providing to a user a list of new messages for which a notification has not been cleared. The list shown by Sylvan in Figure 1 describes the incoming messages that have just been received by the user thereby representing messages for which a notification has not been cleared. Sylvan also discloses that the user is permitted to select a particular notification from the list for manipulation. See Figure 2 and column 6, lines 58-64.

Referring to claims 2 and 3, Sylvan discloses selecting a functionality associated with a plurality of options presented to the user, wherein these options are presented visually by a plurality of buttons (reference numbers 214, 216, 218, 220 and 222, Figure 2 and column 6, lines 65-67).

Art Unit: 2173

Referring to claim 4, Sylvan discloses as seen by Figure 2 and the different types of messaging types, a unified messaging system, which would by including communications means of email, voice mail and fax into one system, become a unified messaging system (Figure 2 and column 4, lines 54-56).

Referring to claim 5, Sylvan discloses a means for the user to filter to specify the types of messages that are to be listed in the display (Figure 2 and column 6, lines 52-54).

Referring to claim 6, Sylvan discloses that the user interface is a graphical user interface with different icons that are displayed beside different types of messages on the list (column 6, lines 59-60 and Figure 2).

Referring to claim 7, Sylvan discloses allowing the user to clear a particular notification (column 7, lines 11-13).

Referring to claim 12, Sylvan discloses that the integrated message notification means, represented as the incoming window in Sylvan may be launched from within a messaging application associated with the messaging system (Figure 2 and column 6, lines 52-57).

Referring to claim 13, Sylvan discloses that this integrated message notification means by launching it, will give the user a particular view within the messaging application, the view being a list of the incoming messages (Figure 2 and column 6, lines 52-57).

Referring to claim 14, Sylvan discloses a messaging system providing a message notification application integrated within a messaging application that identifies a set of new messages for which notification has not been cleared, suggesting that these messages have not been deleted. Sylvan also discloses presenting a list of these new messages to the user via a user

Art Unit: 2173

interface and permitting the user to select a particular message notification from the list for manipulation. See Figure 2 and column 6, lines 51-64.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sylvan and U. S. Patent No. 6,181,837 B1 (Cahill et al.).

Referring to claim 8, Sylvan does not disclose a means for clearing all notifications in the list. But Sylvan does disclose means for clearing one notification and hence does provide the means to clear all notifications, one at a time. Cahill discloses a delete all button, which allows for the user to delete all the items on a list by manipulating just one button (Figure 23 and column 50, lines 50-52). It would have been obvious for one skilled in the art at the time of the invention to implement a means for directly clearing all the notifications at one time, as taught by Cahill. Cahill teaches a convenient method for users to delete all items of a list, much like the one in Sylvan, at one time. Sylvan has a means for deleting each message one at a time, which can be inconvenient when the user wants to delete all the messages of a large list. Hence, one skilled in the art, at the time of the invention, would have been motivated to learn from Cahill to implement a delete all button to clear all notifications from the list at one time.

Referring to claim 9, Sylvan discloses selecting from the options of clear item (reference number 222, Figure 2), call sender (reference number 214, Figure 2) and print (reference number

Art Unit: 2173

520, Figure 5). Sylvan discloses also allowing the user to select opening a message application by choosing from the applications displayed in the user interface as shown by the cursor on Figure 2. This depicts a means for the user to open and open a messaging application. Sylvan does have a clear item options but not one for clearing all the items at one time, as stated in claim 9. Cahill discloses a delete all button, which allows for the user to delete all the items on a list by manipulating just one button (Figure 23 and column 50, lines 50-52). It would have been obvious for one skilled in the art at the time of the invention to implement a means for directly clearing all the notifications at one time, as taught by Cahill. Cahill teaches a convenient method for users to delete all items of a list, much like the one in Sylvan, at one time. Sylvan has a means for deleting each message one at a time, which can be inconvenient when the user wants to delete all the messages of a large list. Hence, one skilled in the art, at the time of the invention, would have been motivated to learn from Cahill to implement a delete all button to clear all notifications from the list at one time.

Referring to claim 10, Sylvan discloses that open the messaging application functionality launches a messaging application associated with the messaging system, as seen by the cursor choosing the messaging application in Figure 2 and column 6, lines 52-57.

Referring to claim 11, Sylvan discloses in the explanation for the "Respond Voice" button of Figure 2, how the user replies to the sender of the selected message notification without retrieving the actual message itself but by only relying on selecting the message from the list displayed to respond to the voice mail (column 6, line 67 and column 7, lines 1-2).

3. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sylvan and "Background Polling" (Eric Miller).

Art Unit: 2173

Referring to claim 15, Sylvan discloses a messaging system having the means for message notification using a computer system (column 1, lines 46-50 and column 3, lines 52-56). Sylvan discloses that this invention is based on a computer system, which would inherently have memory and wherein any information concerning this information would be stored, this including the message notification status information and any other information related to the messages. Sylvan discloses a user interface for providing to a user a list of new messages for which a notification has not been cleared. The list shown by Sylvan in Figure 1 describes the incoming messages that have just been received by the user thereby representing messages for which a notification has not been cleared. Sylvan also discloses that the user is permitted to select a particular notification from the list for manipulation. See Figure 2 and column 6, lines 58-64. Sylvan does not discuss any polling means, as stated in the claims. But as described by Miller's article, polling is quite a common way for determining when new messages have arrived (page 1, line 1). It would have been obvious for one skilled in the art, at the time of the invention to use a polling means to determine when new messages have arrived. Miller clearly states how polling is used for determining when new messages have arrived and Sylvan clearly needs a means for checking when these messages have arrived in the incoming box and hence, it would be obvious that Sylvan would use such a polling method to determine when the messages have arrived.

Referring to claim 16, Sylvan discloses that some of the information included in this system and used for this invention includes the date, the time and the sequence of each message, allowing for the system to display the messages and the sequence in which they arrived (Figure 2 and column 6, lines 60-62).

Referring to claim 17, Sylvan discloses a messaging system providing a message notification application integrated within a messaging application that identifies a set of new messages for which notification has not been cleared, suggesting that these messages have not been deleted. Sylvan also discloses presenting a list of these new messages to the user via a user interface and permitting the user to select a particular message notification from the list for manipulation. See Figure 2 and column 6, lines 51-64. Sylvan does not discuss any polling means, as stated in the claims. But as described by Miller's article, polling is quite a common way for determining when new messages have arrived (page 1, line 1). It would have been obvious for one skilled in the art, at the time of the invention to use a polling means to determine when new messages have arrived. Miller clearly states how polling is used for determining when new messages have arrived and Sylvan clearly needs a means for checking when these messages have arrived in the incoming box and hence, it would be obvious that Sylvan would use such a polling method to determine when the messages have arrived.

Referring to claim 18, Sylvan discloses a messaging system providing a message notification application integrated within a messaging application. Sylvan discloses a messaging system having the means for message notification using a computer system (column 1, lines 46-50 and column 3, lines 52-56). Sylvan discloses that this invention is based on a computer system, which would inherently have memory and wherein any information concerning this information would be stored, this including the message notification status information. Sylvan discloses a user interface for providing to a user a list of new messages for which a notification has not been cleared. The list shown by Sylvan in Figure 1 describes the incoming messages that have just been received by the user thereby representing messages for which a notification has



Art Unit: 2173

not been cleared. Sylvan also discloses that the user is permitted to select a particular notification from the list for manipulation. See Figure 2 and column 6, lines 58-64. Sylvan does not discuss any receiving means, even though it is obvious that some sort of receiving means is necessary in order to recognize the new messages and display them on the user interface. But as described by Miller's article, receiving means is needed and common when regarding new messages (page 1, lines 12-14). It would have been obvious for one skilled in the art, at the time of the invention to include a receiving means for receiving any new message notifications, as taught by Miller. Miller clearly states how a "Receive" button is used to determine if new messages have arrived and thus provides a means for receiving these messages and Sylvan clearly needs a means for checking when these messages have arrived and receiving them to be displayed in the incoming box and hence, it would be obvious that Sylvan would use such a receiving method to determine when the messages have arrived.

Referring to claim 19, Sylvan discloses a messaging system providing a message notification application integrated within a messaging application. Sylvan discloses a messaging system providing a message notification application integrated within a messaging application that identifies a set of new messages for which notification has not been cleared, suggesting that these messages have not been deleted. Sylvan also discloses presenting a list of these new messages to the user via a user interface and permitting the user to select a particular message notification from the list for manipulation. See Figure 2 and column 6, lines 51-64. Sylvan does not discuss any receiving means, even though it is obvious that some sort of receiving means is necessary in order to recognize the new messages and display them on the user interface. But as described by Miller's article, receiving means is needed and common when regarding new

Art Unit: 2173

messages (page 1, lines 12-14). It would have been obvious for one skilled in the art, at the time of the invention to include a receiving means for receiving any new message notifications, as taught by Miller. Miller clearly states how a "Receive" button is used to determine if new messages have arrived and thus provides a means for receiving these messages and Sylvan clearly needs a means for checking when these messages have arrived and receiving them to be displayed in the incoming box and hence, it would be obvious that Sylvan would use such a receiving method to determine when the messages have arrived.

### *Conclusion*

4. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach the means for a graphical user interface for a messaging system.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Art Unit: 2173

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
May 15, 2003

  
**BA HUYNH**  
**PRIMARY EXAMINER**